

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN DIEGO REGION

CLEANUP AND ABATEMENT ORDER NO. 98-29

CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS),  
DISTRICT 11  
SAN DIEGO COUNTY

The California Regional Water Quality Control Board, San Diego Region (hereinafter SDRWQCB) finds that:

1. On February 23 and 24, 1998, Caltrans discharged approximately 46,667 cubic yards of sediment (hereinafter Caltrans discharge) to Murphy Canyon Creek, which is part of the Mission San Diego Hydrologic Subarea (hereinafter HSA No. 7.11), as a result of a catastrophic failure of the 13 foot diameter corrugated steel pipe used to transport Murphy Canyon Creek under Balboa Avenue, the on-ramp to Interstate 15, and Murphy Canyon Road.
2. The *Water Quality Control Plan Report, San Diego Basin (9)* (hereinafter Basin Plan) was adopted by the SDRWQCB on September 8, 1994 and subsequently approved by the State Water Resources Control Board on December 13, 1994. The Basin Plan established the following beneficial uses for the surface waters of HSA No. 7.11: agricultural (AGR), industrial (IND), contact water recreation (REC1), non-contact water recreation (REC2), warm freshwater habitat (WARM), cold freshwater habitat (COLD), wildlife habitat (WILD), and rare, threatened, or endangered species (RARE).
3. The Basin Plan contains the following water quality objective for SUSPENDED AND SETTLEABLE SOLIDS: *Waters shall not contain suspended and settleable solids in concentration of solids that cause nuisance or adversely affect beneficial uses.*
4. On March 4, 1998 SDRWQCB staff inspected the confluence of Murphy Canyon Creek and the San Diego River, which is approximately 2 miles downstream from the Caltrans discharge point. During this inspection SDRWQCB staff observed large amounts of newly deposited sediment (primarily silt and sand) in Murphy Canyon Creek and in the San Diego River at, and downstream of, their confluence. It is likely that most of the newly deposited sediment originated from the Caltrans discharge. These sediment deposits impair the beneficial uses of both Murphy Canyon Creek and the San Diego River.
5. Unless the newly deposited sediment in Murphy Canyon Creek is expeditiously removed, it can be expected to be flushed into the San Diego River during future storm events and cause further impact to the San Diego River. It is anticipated that much of the newly deposited sediment within the lower portion of Murphy

Canyon Creek can be removed without disturbance of riparian or wetland vegetation, since that creek section was recently disturbed by channel maintenance activities in late 1997. Greater care would need to be taken to remove newly deposited sediment from vegetated areas of Murphy Canyon Creek. It is anticipated that newly deposited sediment can be removed from that portion of the San Diego River which is within twenty-five feet of the trolley trestle without disturbance to riparian vegetation.

6. Discharge of large amounts of sediment as a result of the catastrophic failure of the 13 foot diameter steel pipe under Balboa Avenue, the on-ramp to Interstate 15, and Murphy Canyon Road has polluted and thereby degraded the beneficial uses of the waters of the State of California, especially the surface waters of the HSA 7.11, and has unreasonably impaired the beneficial uses thereof. These conditions are in violation of the Basin Plan, and the Porter-Cologne Water Quality Control Act.
7. This enforcement action is being taken for the protection of the environment and, therefore, is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Section 21000 et seq.) in accordance with Section 15308, Chapter 3, Title 14, California Code of Regulations.

**IT IS HEREBY ORDERED, That** pursuant to Section 13304 of the California Water Code, Caltrans (hereinafter referred to as the discharger) shall comply with the following:

**DIRECTIVES**

1. As an immediate measure to reduce further impairment of the surface waters of HSA No. 7.11, the discharger shall do the following prior to March 13, 1998:
  - a) remove as much newly deposited sediment as possible from Murphy Canyon Creek.
  - b) remove newly deposited sediment from that portion of the San Diego River that is within twenty feet of the trolley trestle, at the Mouth of Murphy Canyon Creek.
  - c) have a biologist on site during all sediment excavation to insure that no significant riparian vegetation is disturbed in Murphy Canyon Creek, and that no riparian vegetation is disturbed in the San Diego River.
  - d) estimate the amount of sediment resulting from the discharge that cannot be recovered; and

- e) implement Best Management Practices (BMPs) at the site of discharge to ensure that the construction repair activities do not cause or contribute to further impairment of the surface waters of HSA No. 7.11.
- 2. The discharger shall submit a status report describing their actions pursuant to this Order no later than March 31, 1998 to the Executive Officer.
  - 3. No later than June 1, 1998, the discharger shall submit a report to the Executive Officer with the following:
    - a) a description of the circumstances which caused the discharge;
    - b) a description of the discharger's response to the discharge;
    - c) identification of the fate and impact of unrecovered sediment in the San Diego River and the environmental impacts which would be associated with recovering the sediments;
    - d) identification of all impacts resulting from the discharge including, but not limited to, pipe excavation and replacement activities, sediment retrieval activities, and any other activity associated with the discharge; and
    - e) a description of the actions taken by the discharger to ensure that this type of discharge will not occur in the future.

#### PROVISIONS

- 1. Pursuant to Section 13304 of the California Water Code, the discharger is hereby notified that the SDRWQCB is entitled to, and will, seek reimbursement for all reasonable cost actually incurred by the SDRWQCB staff to investigate the unauthorized discharges of waste and to oversee cleanup of such waste, abatement to the effects thereof, or other remedial action required by this cleanup and abatement order. Reimbursable costs are costs incurred by the SDRWQCB following February 15, 1995. Upon receipt of a billing statement for such costs, the dischargers shall reimburse the SDRWQCB.
- 2. Failure to submit technical reports required under this Cleanup and Abatement Order may result in the imposition of civil liabilities, under California Water Code Section 13350 (d), in an amount not to exceed fifteen thousand dollars (\$15,000) for each day in which the violation occurs.
- 3. The Executive Officer may request information to determine whether cause exists for modifying, revoking and reissuing, or terminating this Order. The discharger shall also furnish to the Executive Officer, upon request, copies of records required to be kept by this Order.

4. The discharger shall submit reports required under this Order, or other information required by the Executive Officer, to:

Storm Water Unit  
California Regional Water Quality Control Board  
San Diego Region  
9771 Clairemont Mesa Blvd., Suite A  
San Diego, CA 92124-1324

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John H. Robertus  
Executive Officer

Date: March 5, 1998